

AMENDED IN ASSEMBLY JANUARY 3, 2000  
AMENDED IN ASSEMBLY SEPTEMBER 3, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 603**

**Introduced by Assembly Member Cardoza**

February 19, 1999

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An act to amend ~~Section 41783 of, and to add Section 41783.2 to, the Public Resources Code, relating to Sections 42831 and 42846 of, and to add Sections 42801.5, 42813, and 42961.6 to, the Public Resources Code, relating to~~ solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 603, as amended, Cardoza. ~~Solid waste: transformation: diversion requirements~~ *Waste tires: transportation: remediation.*

~~Under~~

~~(1) Under the existing California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, for any city, county, or regional agency source reduction and recycling element submitted to the board after January 1, 1995, the 50% diversion requirement may include not more than 10% through transformation, as defined, if specified conditions are met, including, among other things, that the transformation project complies with specified environmental impact report and air pollution requirements, the project uses specified front-end methods, the ash or residue is tested in a specified~~

~~manner, and a public hearing is held by the board in the city, county, or regional agency within which the transformation project is proposed.~~

~~This bill would exempt a transformation project located in Stanislaus County from meeting those requirements, if the board finds that the transformation project complies with the board's operating conditions.~~

~~The bill would include a related statement of legislative intent a person is prohibited from accepting waste tires at a minor waste tire facility, unless the operator has obtained a minor waste tire facility permit from the California Integrated Waste Management Board. The board is authorized to exempt, from this permit requirement, the owner or operator of a tire retreading business for the business site if not more than 3,000 waste tires are kept on the business premises. Existing law imposes criminal penalties upon any person who intentionally violates the waste tire facility provisions or who accepts waste tires at a minor waste tire facility that has not been issued a permit.~~

~~This bill would lower the amount of tires subject to that permit exemption to 1,000 tires. The bill would also require the owner or operator of a major or minor waste tire facility or a solid waste disposal facility to alter, as defined, any waste tire that is accepted at that waste tire facility or solid waste disposal facility, within 90 days of the date the waste tire is accepted at that facility. Since a violation of these requirements would be a crime, the bill would impose a state-mandated local program.~~

~~(2) Existing law authorizes the board to expend available moneys to perform any cleanup, abatement, or remedial work required, under specified circumstances, including a situation in which the board determines that expenditure is required by the magnitude of endeavor or the need for prompt action to prevent substantial pollution, nuisance, or injury to the public health or safety.~~

~~This bill would instead require the board to expend those available moneys to perform that cleanup, abatement, or remedial work under those circumstances.~~

~~(3) Existing law requires every person who engages in the transportation of waste tires to hold a valid waste tire hauler~~

registration, and requires any person engaged in the transportation of waste tires to follow specified requirements. The board is required to develop a waste tire manifest system for registered waste tire haulers that requires a manifest to accompany each shipment of waste tires from the point of origin to the processing, collection, storage, or disposal facility.

This bill would require the board to adopt regulations to require any person who gives, contracts, or arranges with a waste tire hauler to transport waste tires to mark each tire that will be transported by the waste tire hauler with a number consistent with the manifest number for the shipment in which the waste tire is included. The bill would require the method of marking to be reasonably calculated to withstand rough handling and water conditions, and would specify related matters.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

- 1    ~~SECTION 1.—Section 41783 of the Public Resources~~
- 2    *SECTION 1. Section 42801.5 is added to the Public*
- 3    *Resources Code, to read:*
- 4    *42801.5. “Alter” means any process, including, but not*
- 5    *limited to, to shred, burn, shear, grind, or split apart a*
- 6    *waste tire. “Alter” does not include retreading, capping,*
- 7    *or otherwise reconditioning a waste tire for resale to*
- 8    *consumers to use on vehicles.*
- 9    *SEC. 2. Section 42813 is added to the Public Resources*
- 10   *Code, to read:*
- 11   *42813. Notwithstanding this division, the owner or*
- 12   *operator of a minor or major waste tire facility or a solid*
- 13   *waste disposal facility shall alter any waste tire that is*
- 14   *accepted at that minor or major waste tire facility or solid*

1 waste disposal facility, within 90 days of the date the waste  
2 tire is accepted at that facility.

3 SEC. 3. Section 42831 of the Public Resources Code is  
4 amended to read:

5 42831. The board may exempt either of the following  
6 from the permit requirements of this article:

7 (a) An owner or operator of a tire retreading business  
8 for the business site, if not more than ~~3,000~~ 1,000 waste  
9 tires are kept on the business premises.

10 (b) A person using waste tires for agricultural  
11 purposes, if the waste tires are kept on the site of use.

12 SEC. 4. Section 42846 of the Public Resources Code is  
13 amended to read:

14 42846. (a) The board ~~may~~ shall expend available  
15 moneys to perform any cleanup, abatement, or remedial  
16 work required under the circumstances set forth in  
17 Section 42845 ~~which that~~, in its judgment, is required by  
18 the magnitude of endeavor or the need for prompt action  
19 to prevent substantial pollution, nuisance, or injury to the  
20 public health or safety. The action may be taken in default  
21 of, or in addition to, remedial work by the violator or  
22 other persons, and regardless of whether injunctive relief  
23 is being sought.

24 (b) The board may perform the *cleanup, abatement,*  
25 *or remedial* work itself, or by, or in cooperation with, any  
26 other governmental agency, and may use rented tools or  
27 equipment, either with operators furnished or  
28 unoperated. ~~Notwithstanding~~

29 (c) ~~Notwithstanding any other provisions~~ *provision* of  
30 law, the board may enter into oral contracts for ~~that~~  
31 *cleanup, abatement, or remedial work pursuant to this*  
32 *section*, and the contracts, whether written or oral, may  
33 include provisions for equipment rental and ~~in addition~~  
34 the furnishing of labor and materials necessary to  
35 accomplish the work. The contracts are exempt from  
36 approval by the Department of General Services  
37 pursuant to Section 10295 of the Public Contract Code.

38 SEC. 5. Section 42961.6 is added to the Public  
39 Resources Code, to read:

42961.6. The board shall adopt regulations to require any person who gives, contracts, or arranges with a waste tire hauler to transport waste tires to mark each tire that will be transported by the waste tire hauler with a number consistent with the manifest number for the shipment in which the waste tire is included. The regulations shall require the method of marking to be reasonably calculated to withstand rough handling and water conditions, including, but not limited to, painting on by stencil, engraving, or branding. The regulations shall require the number to be legible and to match the number of the manifest for the shipment in which the waste tire is included.

SEC. 6. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Code is amended to read:

~~41783. Except as provided in Section 41783.2, for any city, county, or regional agency source reduction and recycling element submitted to the board after January 1, 1995, the 50 percent diversion requirement specified in paragraph (2) of subdivision (a) of Section 41780 may include not more than 10 percent through transformation, as defined in Section 40201, if all of the following conditions are met:~~

~~(a) The transformation project is in compliance with Sections 21151.1 and 44150 of this code and Section 42315 of the Health and Safety Code.~~

~~(b) The transformation project uses front-end methods or programs to remove all recyclable materials from the waste stream prior to transformation to the maximum extent feasible.~~

~~(c) The ash or other residue generated from the transformation project is routinely tested at least once quarterly, or on a more frequent basis as determined by the agency responsible for regulating the testing and disposal of the ash or residue, and, notwithstanding Section 25143.5 of the Health and Safety Code, if hazardous wastes are present, the ash or residue is sent to a class 1 hazardous waste disposal facility.~~

~~(d) The board holds a public hearing in the city, county, or regional agency jurisdiction within which the transformation project is proposed, and, after the public hearing, the board makes both of the following findings, based upon substantial evidence on the record:~~

~~(1) The city, county, or regional agency is, and will continue to be, effectively implementing all feasible source reduction, recycling, and composting measures.~~

~~(2) The transformation project will not adversely affect public health and safety or the environment.~~

~~(e) The transformation facility is permitted and operational on or before January 1, 1995.~~

~~(f) The city, county, or regional agency does not include biomass conversion, as authorized pursuant to Section 41783.1, in its source reduction and recycling element.~~

~~SEC. 2. Section 41783.2 is added to the Public Resources Code, to read:~~

~~41783.2. Notwithstanding Section 41783, a transformation project located in a county of the 20th class, as defined in Section 28041 of the Government Code, shall be deemed to have met the requirements of subdivisions (a) to (d), inclusive, of Section 41783, if the board finds that the transformation project complies with the board's operating conditions.~~

~~SEC. 3. (a) The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution, due to the unique history of the transformation project in Stanislaus County, as follows:~~

1 ~~(1) Between 1972 and 1985, this state encouraged the~~  
2 ~~construction of waste to energy facilities.~~

3 ~~(2) The County of Stanislaus, in response to state~~  
4 ~~encouragement and with grants and financing from state~~  
5 ~~agencies, participated in the construction of a waste to~~  
6 ~~energy facility.~~

7 ~~(3) In 1989, the Legislature enacted changes in the~~  
8 ~~management of solid waste, moving away from waste to~~  
9 ~~energy, and giving only limited recognition to waste to~~  
10 ~~energy conversion.~~

11 ~~(4) That change in direction placed an unintended~~  
12 ~~hardship on the County of Stanislaus, which incurred~~  
13 ~~debt in responding to the prior encouragement of waste~~  
14 ~~to energy facilities, as well as on those jurisdictions that~~  
15 ~~contractually participated in the facility.~~

16 ~~(b) It is the intent of the Legislature to remedy that~~  
17 ~~hardship by enabling the jurisdiction that utilized this~~  
18 ~~facility, which was built in response to encouragement~~  
19 ~~from the state, to receive credit for waste to energy~~  
20 ~~toward meeting the solid waste diversion requirements of~~  
21 ~~the California Integrated Waste Management Act of 1989.~~

